PUBLIC NOTICE



696 Virginia Road Concord, MA 01742-2751 **Date: August 16, 2005**

Comment Period Ends: September 15, 2005

File Number: NAE-2005-1970

In Reply Refer To: Paul Sneeringer @ 978-318-8491 Or by e-mail: paul.j.sneeringer@nae02.usace.army.mil

KHB Venture, LLC. c/o Harvard Project Services, 249 Ayer Road, Suite 206, Harvard, Massachusetts 01451-1133; has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act to discharge dredged and/or fill material into approximately 6.1 acres of waters of the United States within the Island End River associated with the remediation of coal tar related materials (CTRM) associated with the former coal tar processing facility. This project site is located adjacent to Market Street and Behen Street in Everett and Chelsea, Massachusetts. This remediation project has been required as a Release Abatement Measure (RAM) by the Massachusetts Department of Environmental Protection under the Massachusetts Contingency Plan. The permittee proposes to dredge approximately 72,000 cubic yards of CTRM contaminated sediment from a 4.2-acre area and to fill 1.9 acres of waters of the United States in order to construct a Confined Disposal Facility (CDF) within the Island End River. Approximately 52,000 cubic yards of the dredged material will be processed on-site and capped within the CDF. The remaining 20,000 cubic yards of material will be processed on-site and deposited at an off-site upland disposal site. The permittee will install a 1-foot layer of sand throughout the 4.2-acre dredge area in order to stabilize the dredge area. The work is described on the enclosed plans entitled "KHB VENTURE, LLC, RELEASE ABATEMENT MEASURE," on 14 sheets, and dated "6/27/2005" and revised "8/4/2005".

Essential Fish Habitat (EFH) has been designated within Boston Harbor for a total of 26 species of economically valuable marine fishery species. Listed species include Atlantic cod (Gadus morhua), winter flounder (Pleuronectes americanus), yellowtail flounder (Pleuronectes ferruginea), windowpane flounder (Scopthalmus aquosus), American plaice (Hippoglossoides platessoides), Atlantic butterfish (Peprilus triacanthus), and Atlantic mackerel (Scomber scombrus). This project will impact over 6.0 acres of EFH. Existing habitats consist of intertidal and sub-tidal areas with silty sandy substrate as well as intertidal mudflats. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Compensatory mitigation will be required for any unavoidable impacts to waters of the United States associated with this remediation project. Mitigation typically takes the form of wetland or waterway restoration, enhancement, and/or creation. The permittee is currently evaluating the prospective Oak Island salt marsh restoration site in Revere, MA as well as prospective freshwater wetland and waterway restoration sites associated with tributaries of the Malden River in Everett, MA. This notice encourages suggestions or recommendations for potential mitigation opportunities from the interested or affected public as well as those agencies with expertise in the affected resources. These suggestions will be provided to the applicant. The Corps will ultimately determine which measures are practicable and serve to mitigate for the project's unavoidable impacts.

This project is located on the USGS BOSTON NORTH quadrangle sheet at 42° 23' 27.9" N, 71° 03' 07.5 W.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Mr. Paul Sneeringer at (978) 318-8491, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

SEE NEXT PAGE FOR DETAILS OF EVALUATION FACTOR Crystal I. Gardner

Chief, Permits & Enforcement Branch

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Regulatory Division

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
 - e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The following authorizations have been applied for, or have been, or will be obtained:

(XX) Permit, License or Assent from State.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

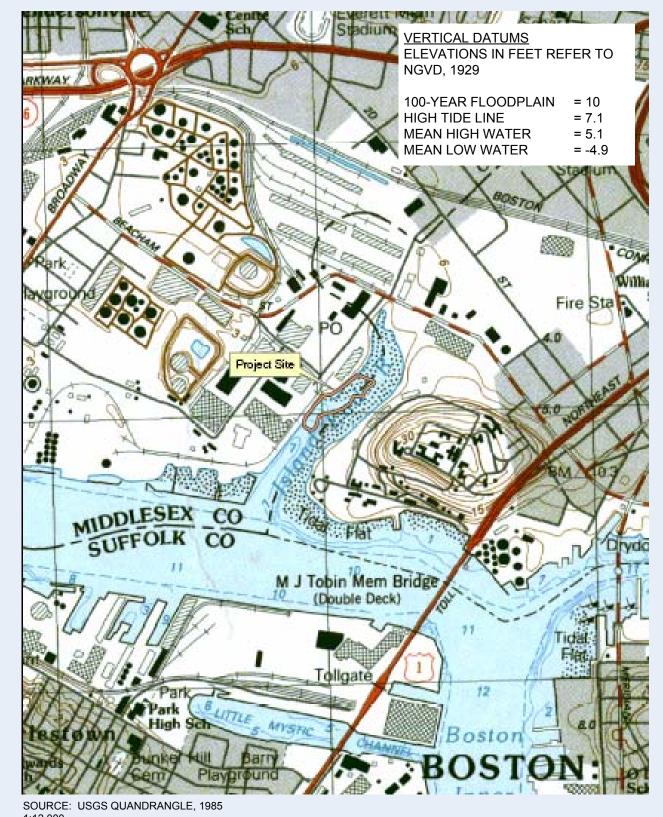
ADDRESS:

- (XX) Permit from Local Wetland Agency or Conservation Commission.
- (XX) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil . You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.
NAME:



1:12,000

PURPOSE: CREATION OF CONFINED DISPOSAL FACILITY AND DREDGING IN ISLAND END RIVER FOR RELEASE ABATEMENT MEASURE

BBL

Blasland, Bouck & Lee, Inc. 100 Cummings Center, Suite 322G Beverly, MA 01915-6112

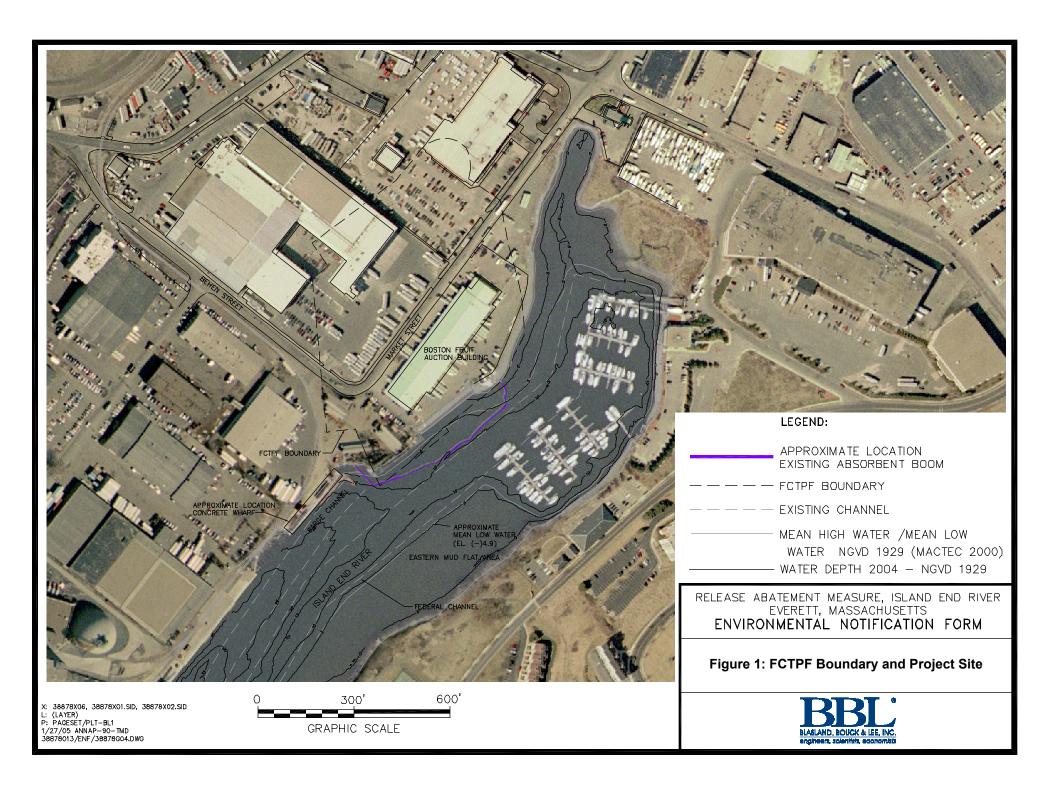
VICINITY MAP

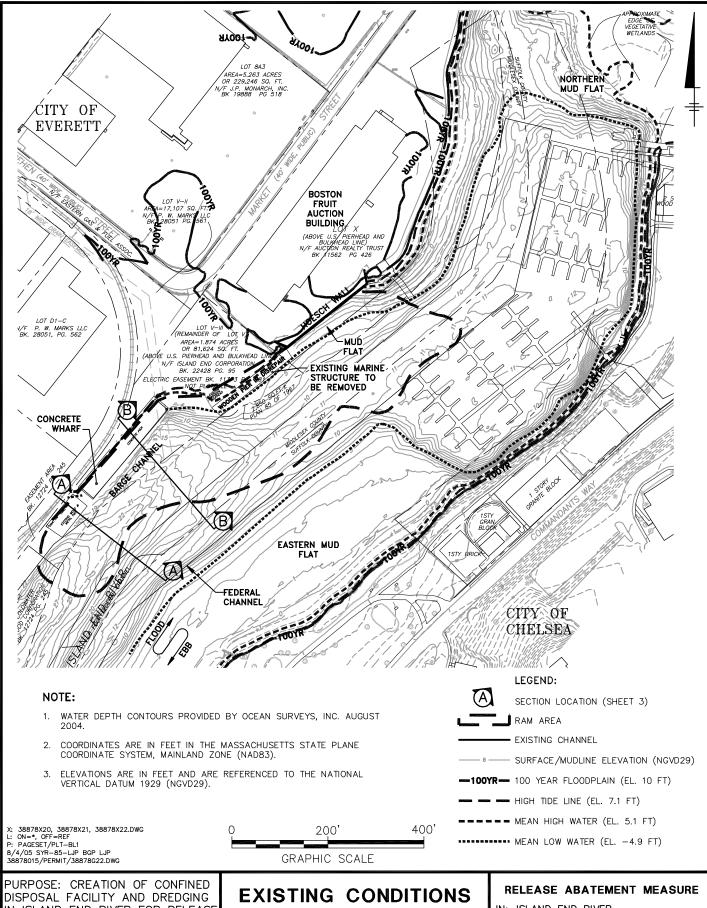
APPLICATION BY: KHB VENTURE, LLC

RELEASE ABATEMENT MEASURE

IN: ISLAND END RIVER AT: EVERETT, MIDDLESEX COUNTY, MASSACHUSETTS AND CHELSEA, SUFFOLK COUNTY, **MASSACHUSETTS**

SHEET 1 OF 10 DATE: 8/3/05





IN ISLAND END RIVER FOR RELEASE ABATEMENT MEASURE

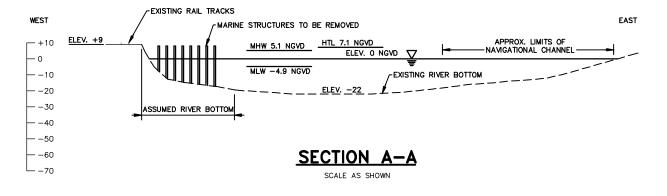
Blasland, Bouck & Lee, Inc. 100 Cummings Center Suite 135P Beverly, MA 01915-6112

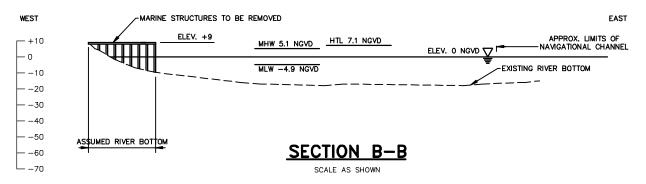
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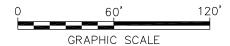
APPLICATION BY: KHB VENTURE, LLC.

IN: ISLAND END RIVER AT: EVERETT, MIDDLESEX COUNTY, MASSACHUSETTS AND CHELSEA, SUFFOLK COUNTY, MASSACHUSETTS

SHEET 2 OF 10 DATE: 8/4/05







X: 38878X20.DWG, L: ON=*, OFF=REF P: PAGESET/PLT-CAP 8/4/05 ANNAP-90-TMD SYR-85-SDL TJR LJP 38878015/PERMIT/38878G23.DWG

PURPOSE: CREATION OF CONFINED DISPOSAL FACILITY AND DREDGING IN ISLAND END RIVER FOR RELEASE ABATEMENT MEASURE

BBL Blasland, Bouck & Lee, Inc. 100 Cummings Center Suite 135P Beverly, MA 01915-6112

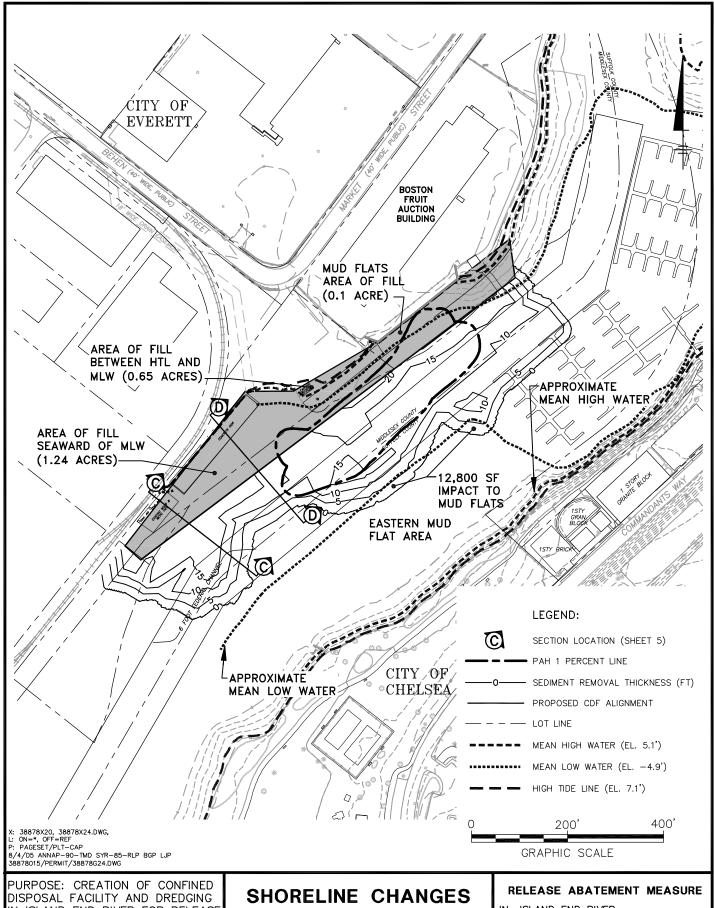
EXISTING CONDITIONS TYPICAL SECTIONS

APPLICATION BY: KHB VENTURE, LLC.

RELEASE ABATEMENT MEASURE

IN: ISLAND END RIVER
AT: EVERETT, MIDDLESEX COUNTY,
MASSACHUSETTS AND
CHELSEA, SUFFOLK COUNTY,
MASSACHUSETTS

SHEET 3 OF 10 DATE: 8/4/05



IN ISLAND END RIVER FOR RELEASE ABATEMENT MEASURE

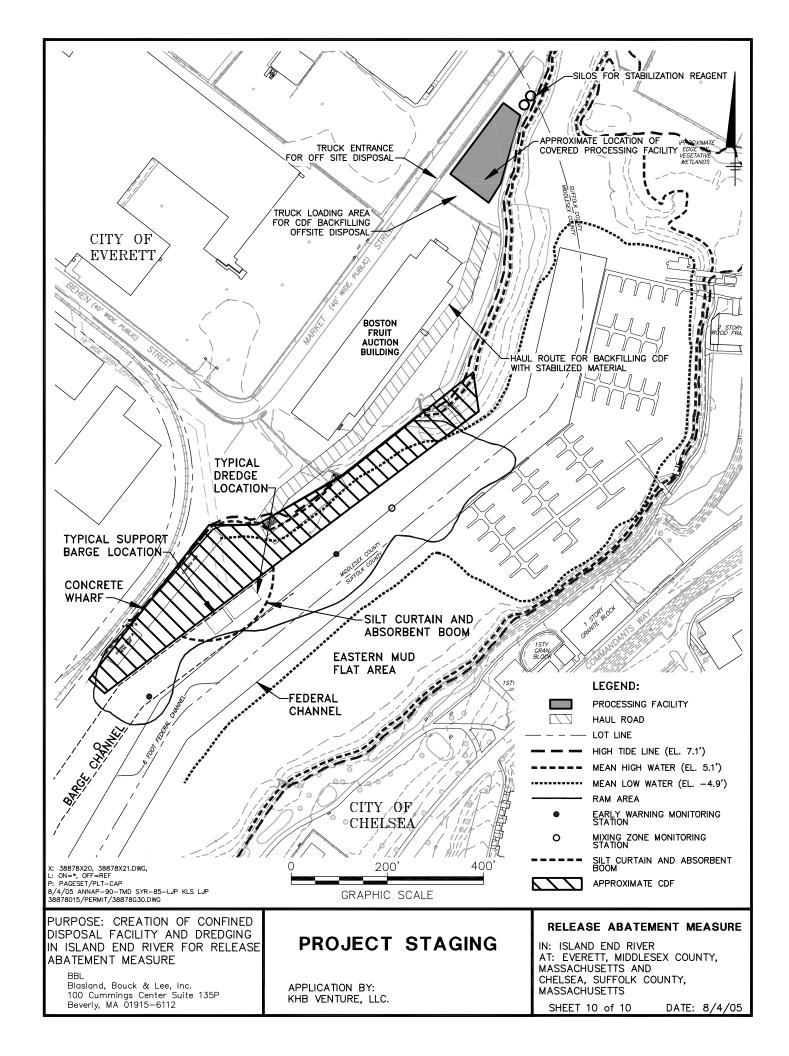
Blasland, Bouck & Lee, Inc. 100 Cummings Center Suite 135P Beverly, MA 01915-6112

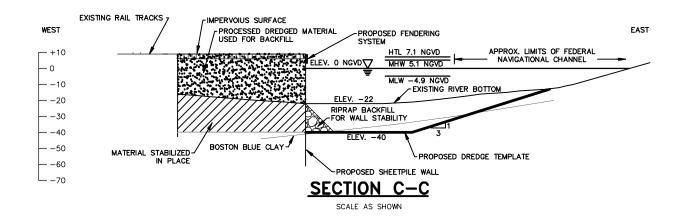
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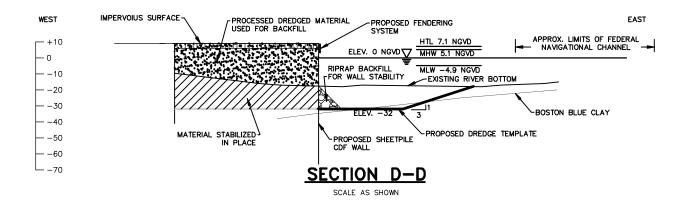
APPLICATION BY: KHB VENTURE, LLC.

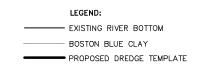
IN: ISLAND END RIVER AT: EVERETT, MIDDLESEX COUNTY, MASSACHUSETTS AND CHELSEA, SUFFOLK COUNTY, MASSACHUSETTS

SHEET 4 OF 10 DATE: 8/4/05



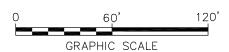






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NOTE:



X: 38878X20.DWG, L: ON=*, OFF=REF P: PAGESET/PLT-CAP B/4/O5 ANNAP-90-TMD SYR-85-DJP TJR LJP 38878015/PERMIT/38878G25.DWG

PURPOSE: CREATION OF CONFINED DISPOSAL FACILITY AND DREDGING IN ISLAND END RIVER FOR RELEASE ABATEMENT MEASURE

BBL Blasland, Bouck & Lee, Inc. 100 Cummings Center Suite 135P Beverly, MA 01915—6112

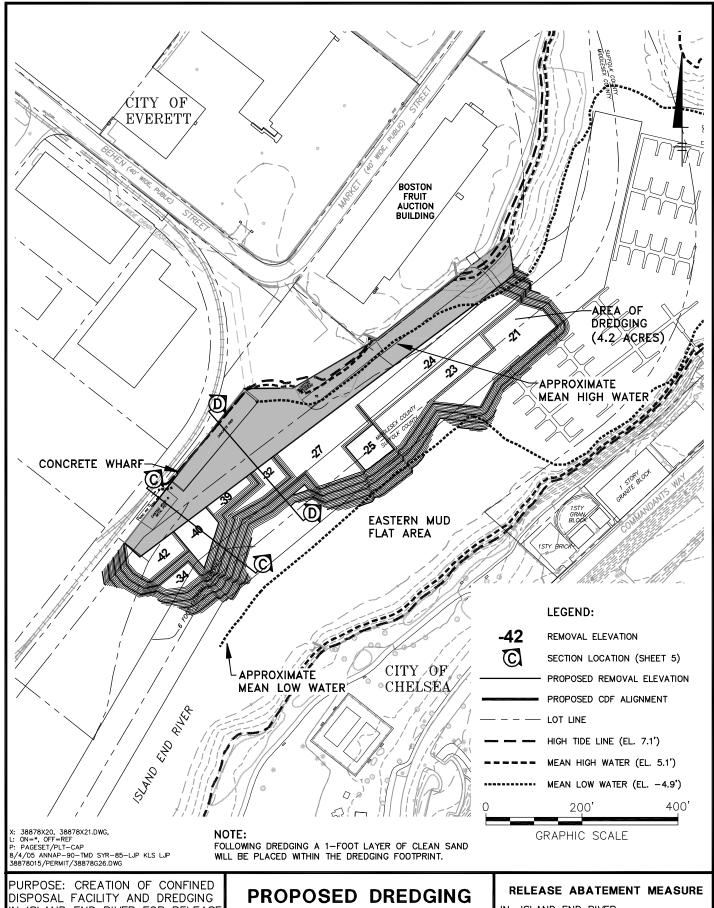
PROPOSED SHORELINE CHANGES AND DREDGING TYPICAL SECTIONS

APPLICATION BY: KHB VENTURE, LLC.

RELEASE ABATEMENT MEASURE

IN: ISLAND END RIVER
AT: EVERETT, MIDDLESEX COUNTY,
MASSACHUSETTS AND
CHELSEA, SUFFOLK COUNTY,
MASSACHUSETTS

SHEET 5 OF 10 DATE: 8/4/05



IN ISLAND END RIVER FOR RELEASE ABATEMENT MEASURE

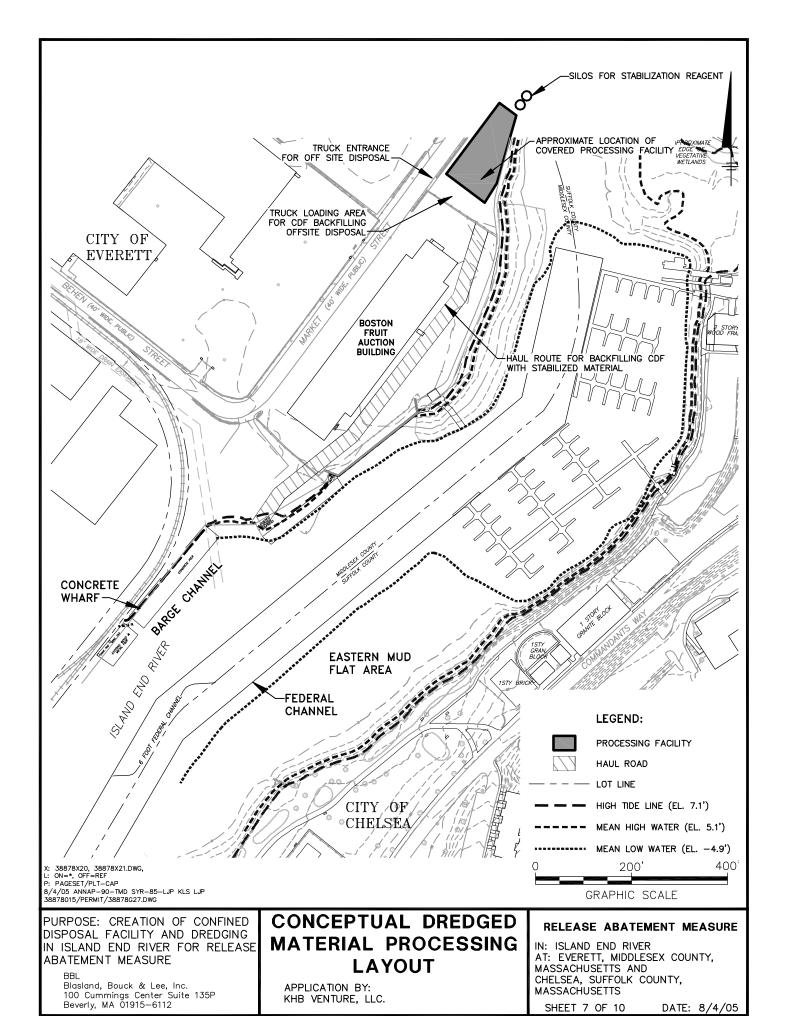
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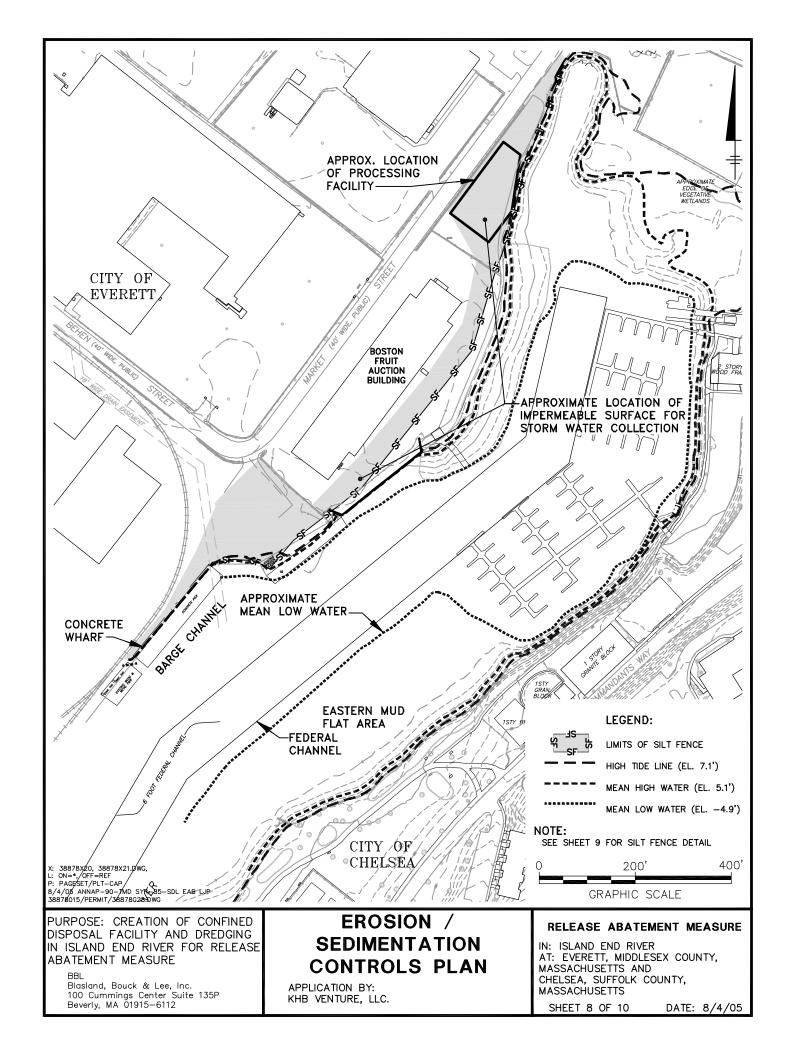
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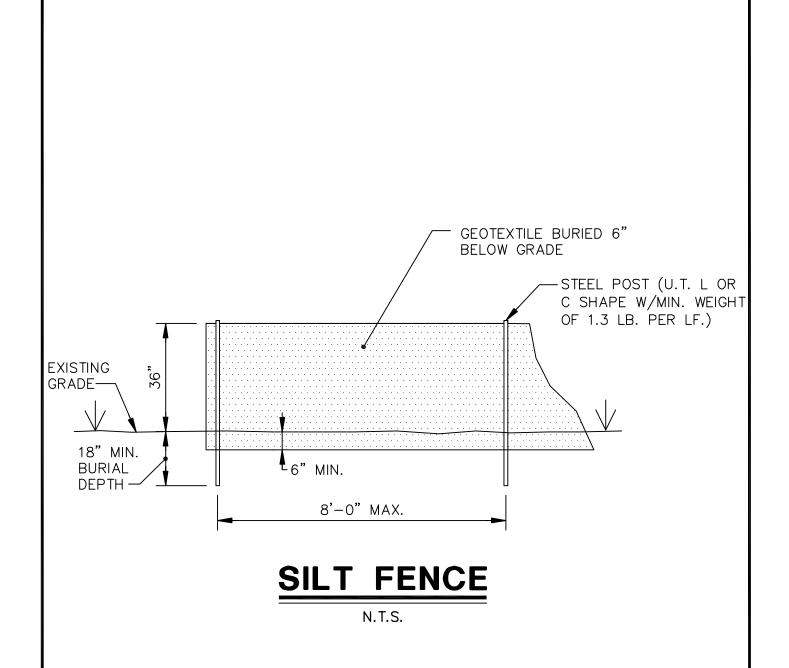
APPLICATION BY: KHB VENTURE, LLC.

IN: ISLAND END RIVER AT: EVERETT, MIDDLESEX COUNTY, MASSACHUSETTS AND CHELSEA, SUFFOLK COUNTY, MASSACHUSETTS

SHEET 6 OF 10 DATE: 8/4/05







NOTE:

IN AREAS WHERE AN IMPERVIOUS SURFACE EXISTS, THE SURFACE WILL BE TRENCHED (I.E. BROKEN UP) TO ALLOW FOR INSTALLATION OF THE SILT FENCE.

X: 38878X20, 38878X21.DWG L: ON=*, OFF=REF P: PAGESET/PLT-CAP 8/4/05 ANNAP-90-TMD SYR-85-TJR BGP LJP 38878015/PERMIT/38878G29.DWG

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BIASIAND, Bouck & Lee, Inc. 100 Cummings Center Suite 135P Beverly, MA 01915-6112

EROSION / SEDIMENTATION CONTROLS DETAIL

APPLICATION BY: KHB VENTURE, LLC.

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SHEET 9 OF 10 DATE: 8/4/05

